

Coastal Act Compliance Analysis of the Santa Monica Mountains Local Coastal Program

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (California Public Resources Code Section 30513).

The standard of review that the California Coastal Commission (Commission) uses in reviewing the Land Use Plan changes, as proposed by the County, is whether the changes are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the Local Implementation Plan (LIP) of the certified Local Coastal Program (LCP), pursuant to Section 30513 and 30514 of the Coastal Act, is that the LIP is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County's certified Local Coastal Program. In addition, all applicable Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LUP.

CONSISTENCY ANALYSIS

The County of Los Angeles has carefully considered the Chapter 3 policies of the California Coastal Act in the development of this LCP. The analysis below leads the reader through the applicable Chapter 3 policies, as well as the responsive LUP policies.

Section 30210 Access; recreational opportunities

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

- Corresponding Conservation and Open Space Element policies: CO-119, 121, 122, 123, 130, 155 to 158, 160, 180, 181.
- Corresponding Circulation Element policies: CI-1, 8, 18, 19, 23, 24, 25, 28, 31.

The SMM LCP area has been the subject of intensive open space acquisition and recreational opportunities for the last 40 years. Over half of the approximately 52,000 acres is held by public agencies with a recreation and/or resource mission. Consequently, the LCP area possesses an abundance of low cost or no cost recreational opportunities. The LCP further advances these interests by committing to an extensive Resource Conservation Program which will guarantee \$2 million of funding for land acquisitions over the next ten years, more than doubling the amount collected by the CCC in virtually the same timeframe.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

- Corresponding Conservation and Open Space Element policies: CO-161-164, 170, 171, 173, 175.

Very few areas of the Santa Monica Mountains LCP area are seaward of Pacific Coast Highway. The LCP contains policies to prohibit interference with the public's right of access. The LCP also identifies and protects the California Coastal Trail in the limited area of the LCP where it occurs, including but not limited to providing the trail as close to the ocean as possible, maximizing connections to trail systems, and ensuring vertical access, among other things.

Section 30212.5 Public facilities; distribution

Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any subject area.

- Corresponding Circulation Element policies: CI-2, 11, 29, 31, 32.
- Corresponding Public Facilities Element policies: PF-1, 9, 15.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

- Corresponding Conservation and Open Space Element policies: CO-159, 164, 165, 169, 179.
- The SMM LCP area contains many low or no cost visitor facilities, and these are protected in the LCP. Additionally, the acquisition of additional open space lands for recreational use enhances the opportunities to expand low cost visitor and recreational facilities. Finally, the LCP allows the establishment of low impact campsites on private property where permitted by the landowner and the County to facilitate use of the many trails in the LCP area.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

- Corresponding Conservation and Open Space Element policies: CO-167, 175, 191.

The SMM LCP area possesses about two miles of oceanfront land, of which all but a small parcel consist of a state park. The small parcel is occupied by a restaurant. The LCP preserves these land uses consistent with this provision of the Coastal Act.

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

- Corresponding Conservation and Open Space Element policies: CO-182, 184, 185.

Although much of the oceanfront land is occupied by a state park, the LCP protects marine resources by controlling development in the park which could have the potential to degrade sensitive marine habitats.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

- Corresponding Conservation and Open Space Element policies: CO-2 to 32, 102-106, 183, 186, 187, 196.

Section 30232 Oil and Hazardous substance spills

Protection against the spillage of oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

- Corresponding Safety and Noise Element policies: SN-36 to 40.

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Wildlife pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at

appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

- Corresponding Conservation and Open Space Element policies: CO-31-32, 68-69, 188, 192, 197, 198.

The LCP protects streams and wetlands through a suite of policies. Most importantly, the LCP designates streams and watercourses as H1 habitat which, except for very limited exceptions, is to remain free of development.

Section 30235 Construction altering natural shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

- Corresponding Conservation and Open Space Element policies: CO-189, 190, 191, 192, 194.

Of the approximately two miles of shoreline, the vast majority is within a state park. The LCP contains policies encouraging beach nourishment and discouraging shoreline protective devices. These policies are in keeping with the current practices of the Commission.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

- Corresponding Conservation and Open Space Element policies: CO-31-32, 68, 88, 195.
- Corresponding Safety and Noise Element policies: SN-11 to 18.

The LCP endorses bioengineering solutions for stream stabilization, and channelization is prohibited except for water supply projects and improvement of fish and wildlife habitat where there is no feasible alternative. Bridge crossings, rather than altering the stream for an access road, are encouraged.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

- Corresponding Conservation and Open Space Element policies: CO-33 to 102.
- Corresponding Safety and Noise Element policies: SN-9, 14, 15, 20, 24, 25 to 28, 34, 35.
- Corresponding Land Use and Housing Element policies: LU-2, 4, 5, 6, 7, 20, 25, 29, 33, 34, 38, 39, 47, 53, 54.

Nearly 85 policies are included in the LCP to insure adequate protection not only of sensitive habitat areas, but also of all native habitats. H1 Habitat uses are limited to resource dependent uses, with a 100-foot buffer, and such buffer is required in all instances unless to do so would effect a taking. Similarly, crossings of H1 habitat are prohibited unless there is no other feasible less environmentally damaging alternative. H2 and H3 Habitat areas are protected by the imposition of a strict limitation on the amount of development area. Sensitive environmental resources are also protected over time through the County's Resource Conservation Program.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

- Corresponding Conservation and Open Space Element policies: CO-199 to 210.

LCP policies require protection of these resources or, where infeasible, mitigation.

Section 30250 Location; existing developed areas

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- Corresponding Safety and Noise Element policies: SN-36 to 40.
- Corresponding Land Use and Housing Element policies: LU-1, 9, 12, 13, 17, 18, 30, 31, 44, 48, 49, 52.

In the SMM LCP area, limited development is permitted on legally created parcels. Subdivisions may be considered, provided each parcel can meet, without qualification, all of the policies and standards of the LCP, and a similar parcel is retired. This results in a "no net increase" in development for the LCP area.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

- Corresponding Conservation and Open Space Element policies: CO-124 to 154.

Extensive policy treatment of visual resources insures that new development will be subordinate to its setting.

Section 30253 Minimization of adverse impacts

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

- Corresponding Safety and Noise Element policies: SN-1 to 35.
- Corresponding Circulation Element policies: CI-5 to 7, 14 to 17, 23, 26, 32.

The detailed provisions of the LCP with respect to hillside management and grading, including the limitation on the season when grading can occur, minimize risks to life and property as well as limits effects on coastal resources. PF-20 insures that fire hazards will be further limited in development.

Section 30254 Public works facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

- Corresponding Public Facilities Element policies: PF-1, 2, 20.

The LUP policies are aimed at limiting the amount of area impacted by the facility through siting, clustering and avoiding impacts to coastal resources.

Section 30254.5 Location; existing developed area

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

- Corresponding Public Facilities Element policies: PF-1, 9.

The limitation of development as set forth in the LCP itself limits the need to expand facilities and thereby reduces effects to coastal resources.